IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19449 of 2007(M)

PETITIONERS: PETITIONERS
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1. K.VIJYAKUMAR S/O.KESAVAN MEMBER,
   DEVELOPMENT STANDING COMMITTEE
   VITHURA GRAMA PANCHAYAT,ANURAJ BHAVAN,MEMALA,
   MEMALA P.O.,VITHURA,THIRUVANANTHAPURAM DISTRICT.

2. M.PADMINI,W/O.MADHAVAN
   MEMBER,DEVELOPMENT STANDING COMMITTEE
   VITHURA GRAMA PANCHAYAT,KUNNUMPUEATHU VEEDU,
   PANNIKUZHI,MEENACKAL P.O.,
   THIRUVANANTHAPURAM DISTRICT.

3. G.SURESH S/O.GOPALAKRISHNAN
   MEMBER,DEVELOPMENT STANDING COMMITTEE,VITHURA
   GRAMA PANCHAYAT,KIZHAKKUMKARA VEEDU,THENDIAMALA,
   VALIYAKILIKODE,MEENACKAL P.O.,
   THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.D.KISHORE

RESPONDENTS: RESPONDENTS
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1. THE CIRCLE INSPECTOR OF POLICE
   PALODE POLICE STATION
   THIRUVANANTHAPURAM

2. THE SUB INSPECTOR OF POLICE
   VITHURA POLICE STATION
   THIRUVANANTHAPURAM

3. V.K.MADHU,SECRETARY,CPI (M),
   AREA COMMITTEE,VITHURA,
   THIRUVANANTHAPURAM DISTRICT.

4. SANJAYAN,MEMBER,DISTRICT PANCHAYAT,
   THIRUVANANTHAPURAM.

5. S.ANILKUMAR,
   DEVELOPMENT STANDING COMMITTEE CHAIRMAN
   VITHURA GRAMA PANCHAYAT,
   VITHURA,THIRUVANANTHAPURAM DISTRICT.

6. THE SECRETARY,BLOCK PANCHAYAT,VELLANAD,
THIRUVANANTHAPURAM DISTRICT.

R1 & R2 BY GOVT.PLEADER SRI P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.
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W.P.(C) NO. 19449 OF 2007
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DATED THIS, THE 25TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioners are members of the Standing Committee for Development of Vithura Grama Panchayat. It is stated that there are five members in the Standing Committee and the 5th respondent is stated to be its Chairman. Besides petitioners, there is one more member other than the 5th respondent. Petitioners have moved a non confidence motion which is stated to be coming up for consideration 27.6.2007. It is alleged that Respondents 3 to 5 have criminally intimidated the petitioners on 19.6.2007 and in these circumstances, they apprehend that they will not be in a position to exercise their free franchise in the non-confidence motion unless adequate protection is afforded.

2. We are not going in to the merits of the contention regarding the criminal intimidation said to have caused by the respondents for the purpose of moulding the reliefs to be granted to the petitioners. When they apprehend that they cannot exercise their franchise, necessarily police shall

see that law and order is maintained. Learned Government Pleader appearing on behalf of the first respondent submits that necessary arrangements are being made for giving protection to the petitioners.

3. In the circumstances, there will be a direction to Respondents 1 and 2 to give adequate protection to the petitioners on 27.6.2007 in the Conference Hall of the Vithura Grama panchayat so as to enable them to exercise their right of voting.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-